### COMBINED DECLARATION AND POWER OF ATTORNEY

a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### METHOD AND APPARATUS FOR MONITORING BARIATRIC PARAMETERS AND SLEEP DISORDERED BREATHING

	f which was filed on <b>June 18, 2</b> 0				
PCT International A	pplication No. PCT/AU2004/000	1796, and was amended	on	(if applicable).	
	at I have reviewed and understand I by any amendment referred to abo		e identified specif	fication, including	the
eral Regulations, §	e duty to disclose information which 1.56, including for continuation-in-gate of the prior application and the	part applications, material	information which	ch became availa	able
tion(s) for patent, inve at least one country o tion(s) for patent, inve	gn priority benefits under Title 35, Unit ntor's or plant breeder's rights certificat other than the United States of Americ ontor's or plant breeder's rights certification on which priority is claimed:	te(s), or 365(a) of any PCT i a, listed below, and I have a	international application also identified below	ation which designation any foreign app	ated lica-
Prior Foreign Applic	ation(s)			Priority clain	ned
no. roloigir ipplio	ation(o)				
(Number)	(Country)	(Day/mon	nth/year filed)	Yes No	<u>—</u> Ј
Number)	(Country)	(Day/mon	th/year filed)	Yes No	
I hereby claim the ion(s) listed below:	benefit under Title 35, United State	es Code, § 119(e) of any t 18 June		visional applica-	
(Application No.)		(Filing Da			
(Application No.)		(Filing Da	te)		
pelow and, insofar a States application in he duty to disclose i	m the benefit under Title 35, United s the subject matter of each of the of the manner provided by the first pa nformation which is material to pate d between the filing date of the prior	daims of this application is ragraph of Title 35, United entability as defined in Title	s not disclosed in d States Code, § e 37, Code of Fe	the prior United 112, I acknowledg deral Regulations	ge 5,
Application No.)		(Filing date)	(Status: patented, p	ending, abandoned)	-
869/035 US (P164US2) Page 1 of 3					

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint, jointly and severally, all of the practitioners associated with **Customer Number 22440** as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Direct all correspondence and telephone calls to <u>Michael I. Rackman</u> at the address and telephone number associated with the Customer Number identified above.

		191JAN 2005
Full name of first inv	entor Malcoim Ronald HEBBLEWHITE	
Inventor's Signature	M.R. Heblhshite	Date 1/19 /Q-6
Residence	235 Market Street, #601, San Diego, CA 92101 / 0 8	Quai Prome Stage
Citizenship	-United States of America - AUSTRALIA	hyon 67005
Post Office Address	-same as above c/- Restled Ltd.	, ,
Full name of second	1 Elizabeth Macarthur Drive, Bella 2153 Australia Joint Inventor, <u>Kieran GALLAHUE</u>	Vista, New South Wales
Inventor's Signature		Date
Residence	4746 Shadwell Place, San Diego, CA 92130	
Citizenship	United States of America	
Post Office Address	same as above	
Post Office Address		
Full name of third join	nt inventor,David MULCAHY	
Inventor's Signature		Date
Residence	6 Killarney Close, Castle Hill NSW 2154 Australia	
Citizenship	Australia	
Post Office Address	c/- ResMed Ltd, 1 Elizabeth Macarthur Drive, Bella Vista Australia	, New South Wales 2153
Full name of fourth jo	int inventor, Hary Soesanto SURJADI	
Inventor's Signature		Date
Residence	165 Somerville Road, Hornsby Heights, NSW 2077 Aust	tralia
Citizenship	Australia	
Post Office Address	c/- ResMed Ltd, 1 Elizabeth Macarthur Drive, Bella Vista, N Australia	lew South Wales 2153

Full name of fifth joir	nt inventor,Benriah GOELDI
Learning Circumstance	Date
Inventor's Signature	
Residence	Unit 17, 15-17 Ralston Street, Lane Cove, NSW 2066 Australia
Citizenship	Australia
Post Office Address	c/- ResMed Ltd, 1 Elizabeth Macarthur Drive, Bella Vista, New South Wales 2153 <u>Australia</u>
Full name of sixth joi	int inventor, Chee Keong PHUAH
Inventor's Signature	Date
Residence	78 Pacific Avenue, Penshurst, Sydney, New South Wales 2222 Australia
Citizenship	Malasia (MY)
Post Office Address	same as above
Full name of seventh	joint inventor, Ron RICHARD
Inventor's Signature	Ron Rochal Date 1-24-06
Residence	33376 Barrington Drive, Temecula, CA 92592
Citizenship	United States of America
Post Office Address	1040 Danielson Street, Poway, CA 92064-6857
Full name of eighth jo	pint Inventor,Deirdre STEWART
Inventor's Signature	Date
Residence	4165 Rochester Road, San Diego, California 921116
Citizenship	United States of America
Post Office Address	same as above



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## METHOD AND APPARATUS FOR MONITORING BARIATRIC PARAMETERS AND SLEEP DISORDERED BREATHING

	hich was filed on June 18, 20				
PCT International Application No. PCT/AU2004/000796, and was amended on(ii				_ (if applica	ble).
I hereby state that claims, as amended b	have reviewed and understand ty any amendment referred to about	he contents of the above.	ove identified specifi	cation, inclu	ding the
Federal Regulations.	duty to disclose information whice §1.56, including for continuation of the prior application.	on-in-part applications	, material informat	ion which	became
application(s) for patent designated at least one application(s) for patent,	in priority benefits under Title 35, L , inventor's or plant breeder's rights country other than the United States inventor's or plant breeder's rights of tion on which priority is claimed:	certificate(s), or 365(a) of America, listed below,	of any PCT internation and I have also identified the control of t	onal application	on which by foreign
Prior Foreign Applicati	ion(s)			Priority	claimed
(Number)	(Country)	(Day/r	nonth/year filed)	Yes	No
(Number)	(Country)	(Day/r	nonth/year filed)	Yes	No
I hereby claim the bapplication(s) listed be	enefit under Title 35, United State	es Code, § 119(e) of an	y United States pro	visional	
60/479,320		18 Ji	une 2003		
(Application No.)			Date)		
(Application No.)		(Filing	Date)	<del></del>	
below and, insofar as States application in the the duty to disclose in	the benefit under Title 35, United the subject matter of each of the c ne manner provided by the first pa formation which is material to pate between the filing date of the prior	claims of this applicatio ragraph of Title 35, Un entability as defined in	n is not disclosed in ited States Code, § Title 37, Code of Fe	the prior Un 112, I acknow deral Regula	aited wledge ations,
(Application No.)		(Filing date)	(Status: patented, po	ending, abando	ned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Full name of first inv	entorMalcolm Ronald HEBBLEWHITE
Inventor's Signature	Date
Residence	235 Market Street, #601, San Diego, CA 92101
Citizenship	United States of America
Post Office Address	same as above
Full name of second	joint inventor, Kieran GALLAHUE
Inventor's Signature	Date 1/206
Residence	47.46 Shadwell Place, San Diego, CA 92130
Citizenship	/United States of America
Post Office Address	same as above
Post Office Address	
Full name of third joi	nt inventor,
Inventor's Signature	Date
Residence	6 Killarney Close, Castle Hill NSW 2154 Australia
Citizenship	Australia
Post Office Address	c/- ResMed Ltd, 1 Elizabeth Macarthur Drive, Bella Vista, New South Wales 2153 Australia
Full name of fourth jo	pint inventor, Hary Soesanto SURJADI
Inventor's Signature	Date
Residence	165 Somerville Road, Hornsby Heights, NSW 2077 Australia
Citizenship	Australia
Post Office Address	c/- ResMed Ltd, 1 Elizabeth Macarthur Drive, Bella Vista, New South Wales 2153 Australia

Full name of fifth joir	nt inventor, Benriah GOELD!
Inventor's Signature	Date
Residence	Unit 17, 15-17 Ralston Street, Lane Cove, NSW 2066 Australia
Citizenship	Australia
Post Office Address	c/- ResMed Ltd, 1 Elizabeth Macarthur Drive, Bella Vista, New South Wales 2153  Australia
Full name of sixth joi	nt inventor,Chee Keong PHUAH
Inventor's Signature	philhy Date 30 JAN 2006
Residence	78 Pacific Avenue, Penshurst, Sydney, New South Wales 2222 Australia
Citizenship	MALAYS(A)  Malasia (MY)
Post Office Address	same as above
Full name of seventh	joint inventor, Ron RICHARD
Inventor's Signature	Date
Residence	33376 Barrington Drive, Temecula, CA 92592
Citizenship	United States of America
Post Office Address	1040 Danielson Street, Poway, CA 92064-6857
Full name of eighth jo	pint inventor,Deirdre STEWART
Inventor's Signature	Date
Residence	4165 Rochester Road, San Diego, California 921116
Citizenship	United States of America
Post Office Address	same as above

P164US2

Docket No.: 3869/35 US



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## METHOD AND APPARATUS FOR MONITORING BARIATRIC PARAMETERS AND SLEEP DISORDERED BREATHING

the specification of v	which was filed on June 18, 20	04, as United States Application Ser	ial No or
	· · · · · · · · · · · · · · · · · · ·	796, and was amended on	
I hereby state that claims, as amended b	I have reviewed and understand to you any amendment referred to abo	the contents of the above identified specified specified.	pecification, including the
eral Regulations, §1.5	56, including for continuation-in-p	is material to patentability as defined art applications, material information national or PCT international filing da	which became available
tion(s) for patent, invent at least one country oth tion(s) for patent, invent	or's or plant breeder's rights certificate fer than the United States of America	ed States Code, §119 (a)-(d) or (f), or 365 e(s), or 365(a) of any PCT international a a, listed below, and I have also identified te(s), or any PCT international application	pplication which designated below any foreign applica-
Prior Foreign Applicat	ion(s)		Priority claimed
3 11			ПП
(Number)	(Country)	(Day/month/year filed)	Yes No
(Number)	(Country)	(Day/month/year filed)	Yes No
I hereby claim the b tion(s) listed below:	penefit under Title 35, United State	es Code, § 119(e) of any United States	s provisional applica-
60/479,320		18 June 2003	
(Application No.)		(Filing Date)	
(Application No.)		(Filing Date)	
below and, insofar as States application in the the duty to disclose in	the subject matter of each of the c ne manner provided by the first pa formation which is material to pate	States Code, §120 of any United States laims of this application is not disclosuragraph of Title 35, United States Countability as defined in Title 37, Code or application and the national or PCT is	ed in the prior United de, §112, I acknowledge of Federal Regulations,
(Application No.)		(Filing date) (Status: paten	ted, pending, abandoned)

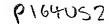
3869/035 US (P164US2) Page 1 of 3

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Full name of first inver	ntor Malcolm Ronald HEBBLEWHITE				<del></del>
Inventor's Signature		Date			
inventor's Signature					
Residence	235 Market Street, #601, San Diego, CA 92101				
Citizenship	United States of America	<del></del>			
Post Office Address	same as above				
Full name of second jo	int Inventor, Kieran GALLAHUE		<u></u>		
Inventor's Signature		_Date _		· · · · · ·	
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Citizenship	United States of America				
Post Office Address	same as above				
Post Office Address		<del></del>			
Full name of third joint	inventor,David MULCAHY				
Inventor's Signature	Dand Milchy	Date _	20	Jan	2006
Residence	6 Killarney Close, Castle Hill NSW 2154 Australia				
Citizenship	Australia				
Post Office Address	c/- ResMed Ltd, 1 Elizabeth Macarthur Drive, Bella Vista, Australia	New So	uth W	ales 215	<u>3</u>
Full name of fourth join	nt inventor, Hary Soesanto SURJADI	· · <u>-</u> ·			
Inventor's Signature	Kellen	Date _	20	Jan	2006
Residence	165 Somerville Road, Hornsby Heights, NSW 2077 Austra	alia			
Citizenship	Australia			<del></del>	
Post Office Address	c/- ResMed Ltd, 1 Elizabeth Macarthur Drive, Bella Vista, Ne Australia	w South	n Wale	s 2153	

Full name of fifth join	Inventor, Benriah GOELDI
Inventor's Signature	Block Date 20 JAN ZOOG
Residence	Unit 17, 15-17 Ralston Street, Lane Cove, NSW 2066 Australia
Citizenship	Australia
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Inventor's Signature	Date
Residence	4165 Rochester Road, San Diego, California 921116
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MAR 3 0 2006 W

Docket No.: 3869/35 US

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# METHOD AND APPARATUS FOR MONITORING BARIATRIC PARAMETERS AND SLEEP DISORDERED BREATHING

	ch was filed on <u>June 18, 2</u> ation No. <u>PCT/AU2004/00</u>			
I hereby state that I h claims, as amended by a	ave reviewed and understand any amendment referred to ab	d the contents of the cove.	e above identified specif	fication, including the
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tion(s) for patent, inventor's at least one country other	niority benefits under Title 35, Ur is or plant breeder's rights certific than the United States of Amer is or plant breeder's rights certific hich priority is claimed:	cate(s), or 365(a) of an ica, listed below, and	y PCT international applic I have also identified belo	ation which designated ow any foreign applica-
Prior Foreign Application	n(s)			Priority claimed
, , , or , or or or , pp. noamor	(-)			
(Number)	(Country)	(	(Day/month/year filed)	Yes No
(Number)	(Country)		(Day/month/year filed)	Yes No
I hereby claim the ber tion(s) listed below:	efit under Title 35, United Sta	ates Code, § 119(e)	of any United States pro	ovisional applica-
60/479,320	•		18 June 2003	
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(Application No.)		(	(Filing Date)	<del> </del>
below and, insofar as the States application in the the duty to disclose infor	te benefit under Title 35, Unite subject matter of each of the manner provided by the first mation which is material to pattween the filing date of the pr	e claims of this applic paragraph of Title 35 atentability as define	cation is not disclosed in 5, United States Code, § d in Title 37, Code of Fe	n the prior United 1112, I acknowledge ederal Regulations,
(Application No.)		(Filing date	e) (Status: patented, p	pending, abandoned)

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Citizenship	United States of America
Post Office Address	same as above
Full name of second jo	pint inventor, Kieran GALLAHUE
Inventor's Signature	Date
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Citizenship	United States of America
Post Office Address	same as above
Post Office Address	
Full name of third join	t inventor,
Inventor's Signature	Date
Residence	6 Killarney Close, Castle Hill NSW 2154 Australia
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Full name of fourth joi	nt inventor, Hary Soesanto SURJADI
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Full name of fifth join	t inventor, Benriah GOELDI
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Citizenship	United States of America
Post Office Address	1040 Danielson Street, Poway, CA 92064-6857
Full name of eighth jo	oint Inventor, Deirdre STEWART
Inventor's Signature	Date 25/2/06
Residence	4165 Rochester Road, San Diego, California 921116
Citizenship	United States of America
Post Office Address	same as above

Telephone 212-684-3900

Date March 28, 2006

OIPE								
4								PTO/SB/17 (01-06)
MAB the Page 66 fork Reduction	n Act of 1995	no persons are required	d to resp	U.S. Patent a	and Trader	oved for use through 0 nark Office; U.S. DEP/ tion unless it displays a	ARTME	NT OF COMMERCE
ages pursuant to the consolidated Appropriations Act, 2005 (H.R. 4818).				Complete if Known				
				Application Number 10/560,963				
For FY 2006			<u> </u>	iling Date	D	ecember 14, 2005	5	
			F	irst Named Inve	ntor H	EBBLEWHITE et	al	
Applicant claims small entity status. See 37 CFR 1.27				xaminer Name	Ţ	be assigned		
				rt Unit	Te	To be assigned		
TOTAL AMOUNT OF PAYM	IENT (\$)	130.00	A	Attorney Docket I	No. 38	369/035 US		
METHOD OF PAYMENT (check all that apply)								
Check Credit Card Money Order None Other (please identify):								
Deposit Account Deposit Account Number: <u>07-1730</u> Deposit Account Name: <u>Gottlieb Rackman &amp; Reisman</u>								
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)								
Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee								
Charge any additional fee(s) or underpayments of fee(s)								
under 37 CFR 1.16 and 1.17  WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card								
Information and authorization on PTO-2038.								
FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)								
1. BASIC FILING, SEARCH, AND EXAMINATION FEES								
	FILING FI Sn	EES S nall Entity		H FEES Small Entity	EXAMI	NATION FEES Small Entity		
Application Type	Fee (\$)	Fee (\$) Fe	ee (\$)	Fee (\$)	Fee (\$	Fee (\$)	<u>Fe</u>	es Paid (\$)
Utility	300		00	250	200	100		
Design	200		00	50	130	65		
Plant	200		00	150	160	80		
Reissue	300		00	250	600	300		
Provisional	200	100	0	0	0	0		
2. EXCESS CLAIM FEES Smal								<u>=ntity</u> (\$)
Each claim over 20 (including Reissues) 50								5
Each independent claim over 3 (including Reissues)							10	-
Multiple dependent claims <u>Total Claims</u> <u>Extra Claims</u> <u>Fee (\$)</u> <u>Fee P</u>				ald (\$)		360 Multiple Dep	18 enden	
- 20 or HP = x =						Fee (\$)		e Paid (\$)
HP = highest number of total of		•	F D-	.:-1 (#)				
Indep. Claims - 3 or HP =	Extra Claims	<u>s Fee (\$)</u> x =	Fee Pa	10 (3)				
HP = highest number of indepe		paid for, if greater than 3	3.					
3. APPLICATION SIZE FEE  If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer								
listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
	Extra Sheet	s Number of _ /50 =	each a	dditional 50 or ound up to a wh	fraction		) =	Fee Paid (\$)
4. OTHER FEE(S)  Non-English Specification, \$130 fee (no small entity discount)								
Other (e.g., late filing surcharge): Declaration Late filing Surcharge								130.00

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Registration No. 20,639 (Attorney/Agent)

SUBMITTED BY

Signature

milu

Name (Print/Type) Michael I. Rackman